

On December 21, 2001, Applicant's former attorney Ray Guffey mailed the required response to the Notification of Missing Requirements to Box Missing Parts according to the procedure of 37 C.F.R. § 1.8 (Exhibit B). The response stated that the above-referenced patent application was a US national phase application under 35 U.S.C. § 371 of International Patent Application No. PCT/US00/04838. The response also noted that a paper copy of the sequence listing was filed in the above-referenced application as part International Patent Application No. PCT/US00/04838. A computer readable form of the sequence listing was also submitted in PCT/US00/04838. In the response to the Notification of Missing Parts, Applicant's former attorney Ray Guffey requested that the computer readable form previously submitted in PCT/US00/04838 be used in the above-referenced patent application. Applicant's former attorney Ray Guffey also stated that the contents of the paper and computer readable copy of the sequence listing were identical.

Pursuant to 37 C.F.R. § 1.8, the December 21, 2001 response to the Notification of Missing Requirements was addressed as set forth in 37 C.F.R. § 1.1(a) and deposited with the US Postal Service as first class mail. The transmittal includes a signed certificate stating the date of deposit (December 21, 2001). According to 37 C.F.R. § 1.8 (a), "[c]orrespondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed." Applicants therefore respectfully request grant of the petition and withdrawal of the holding of abandonment for the above-referenced patent application.

Should the petition to withdraw holding of abandonment not be granted, Applicants petition in the alternative to revive the above-referenced application under 37 C.F.R. § 1.137(b) as unintentionally abandoned for failure to timely pay the issue fee and to submit the formal drawing by January 23, 2002. Applicants request revival of the application and herewith submit the required response in the form of the response to Notification of Missing Parts filed December 21, 2001 (Exhibit B). In order to expedite grant of the petition, Applicants also include a substitute paper copy and computer readable form of the sequence listing with a statement of identity (Exhibit C). Applicants also authorize payment of the petition fee, pursuant to 37 C.F.R. 1.17(m), in the amount of \$640.00 for a small entity from Deposit Account No. 20-1430 of the undersigned.

Applicants further state that the entire delay in filing the petition pursuant to 37 C.F.R. 1.137(b)(3), from the due date for the reply to the filing of a grantable petition,

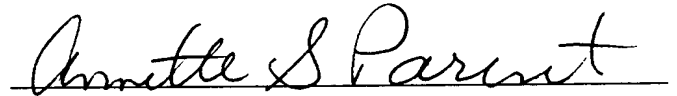
including the delay from the date of discovery of the abandonment of the application, was unintentional.

Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in duplicate.

CONCLUSION

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,

A handwritten signature in cursive script, reading "Annette S. Parent", written over a horizontal line.

Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
2 Embarcadero Center, 8th Floor
San Francisco, CA 94111
Tel: (415) 576-0200
Fax: (415) 576-030
SF 1372756 v1